

02/19/02 J1051 U.S. PTO

PATENT
Attorney Docket 054800-5003-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION

Commissioner for Patents
Washington, D.C. 20231

Prior Application: 09/364,626
Examiner: Janet Epps
Group Art Unit: 1635

J1050 U.S. PTO
10/07/02
02/19/02

DIVISIONAL PATENT APPLICATION TRANSMITTAL UNDER 37 C.F.R. 1.53(b)

This is a request for filing a Divisional patent application under 37 C.F.R. 1.53(b).

1. This application is a Divisional Patent Application under 37 C.F.R. 1.53 of pending prior application No. 09/364,626 filed on July 29, 1999 of:

Inventors: 1. Roderic M. K. Dale, Wilsonville, Oregon
2. Amy Arrow, Bethel, Maine
3. Terry Thompson, West Linn, Oregon

For: **Therapeutic Antisense Phosphodiesterase Inhibitors**

2. The papers enclosed are as follows:

A new divisional application:

- 39 Pages of specification including
 - 28 Pages of description
 - 10 Pages of claims
 - 01 Abstract
- 01 Page of Statement Accompanying Sequence Listing
- 18 Pages of Sequence Listing
- 01 Page of Request to Transfer Sequence Listing

3. Oath or Declaration – A copy of an oath or declaration from a prior application is enclosed under 37 C.F.R. 1.63(d). The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied is considered a part of the disclosure of the accompanying application and is hereby incorporated by reference herein.
4. Relate Back - 35 U.S.C. 120 - Please amend the specification by inserting before the first line the sentence:

10076597-021902

--This is a divisional application of Application No. 09/364,626 (July 29, 1999) which is a continuation-in-part application of Application No. 09/223,586 (December 30, 1998), both of which are herein incorporated by reference in their entirety.--

5. Assignment - The prior application is assigned of record to Oligos Etc. Inc and Oligo Therapeutics Inc. at Reel/Frame 010161/0841 on July 29, 1999 and to Oligos Etc. Inc. at Reel/Frame 010329/0763 on October 25, 1999.
6. Small Entity Status was claimed in the prior nonprovisional application and is still proper and desired.
7. Extension of Time in Parent Application No. 09/364,626 - The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicants petition for a five-month extension of time in Parent Application No. 09/364,626 extending the period for response from September 17, 2001 to February 17, 2002. This response is being filed under the next business day rule on Tuesday, February 19, 2002 as the due date for responding fell on a weekend (Sunday, February 17, 2002) and Monday, February 18, 2002 was a federal holiday. The Commissioner is hereby authorized to charge **\$980.00** to Deposit Account No. 50-0310 for payment of the five-month extension of time fee. If an additional extension of time is required, please consider this a petition therefor.
8. Amendments - Prior to calculation of the application filing fee, please cancel claims 4-22, 24 and 32-41, without prejudice or disclaimer of Applicants' right to file divisional applications containing the subject matter of these claims.
9. Fee Calculation (37 C.F.R. 1.16)

CLAIMS FOR FEE CALCULATION				
	Number Filed	Extra	at Rate of	Basic Fee \$740.00
Total Claims	11 - 20	0	\$ 18.00 each =	+\$00.00
Independent Claims	3 - 3	0	\$ 84.00 each =	+\$00.00
Multiple dependent claims			\$280.00	+\$00.00
Sub-total =				\$00.00
Reduction by 1/2 for filing by a small entity				-\$00.00
Total Filing Fee =				\$00.00

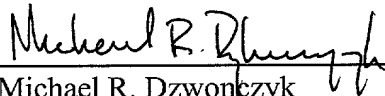
10. Fee Payment - **The application filing fee is not being paid by at this time.** This application is being filed under the provisions of 37 C.F.R. 1.53(f). Applicants await notification from the Patent and Trademark Office of the time set for paying the filing fee.

11. The power of attorney in the prior application is to at least one of the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all correspondence shall be addressed to that Customer Number. Please address all correspondence to Morgan, Lewis & Bockius LLP at Customer No. 009629.
12. Petition for Extension of Time - If any extension of time is necessary for the filing of this application, including any extension in the prior application No. 09/364,626 (filed July 29, 1999) for the purpose of maintaining copendency between the prior application and the present application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to Deposit Account No. 50-0310.
13. **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be an **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Please accord this new U.S. Divisional Application a serial number and filing date.

Dated: **February 19, 2002**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000

Respectfully submitted
Morgan, Lewis & Bockius LLP


Michael R. Dzwonczyk
Registration No. 36,787

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Divisional Patent Application of: **Roderic Dale *et al.***)
Application No. **To be assigned**) Examiner: **Janet Epps**
Filed: **February 19, 2002**) Group Art Unit: **1642**
For: **Therapeutic Antisense Phosphodiesterase**)
Inhibitors)

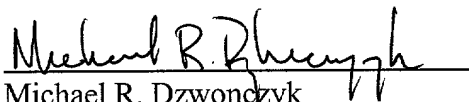
REQUEST TO TRANSFER ELECTRONIC COPY OF SEQUENCE LISTING

Applicants respectfully submit that the computer readable form of the sequence listing required in the divisional application filed herewith is identical to that filed in Parent Application Serial No. 09/364,626 (filed July 29, 1999).

In accordance with 37 CFR 1.821(e), Applicants request that the only computer readable form filed in the parent application be used for the instant application. It is understood that the Patent and Trademark Office will make the necessary changes regarding the application number and filing date for the computer readable form that will be used for the instant application.


Dated: **February 19, 2002**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000

Respectfully submitted
Morgan, Lewis & Bockius LLP


Michael R. Dzwonczyk
Registration No. 36,787

EXPRESS MAIL CERTIFICATE

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: July 29, 1999

Typed or Printed Name	Wilhelm Palmen	Express Mail No.	EL 341 579 622 US
Signature		Date	7/29/99

**CERTIFICATION
REGARDING SEQUENCE
LISTING**

Address to:
Assistant Commissioner for Patents
Washington, D.C. 20231

Attorney Docket	OLIG-003CIP
First Named Inventor	Roderic M.K. Dale et al.
Application Number	To Be Assigned
Filing Date	July 29, 1999
Group Art Unit	To Be Assigned
Examiner Name	To Be Assigned
Title	Therapeutic Antisense Phosphodiesterase Inhibitors

Sir:

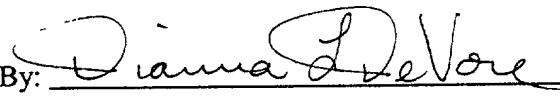
I hereby certify that the enclosed Sequence Listing is being submitted in paper copy and on a computer-readable diskette, and that the content of the paper and computer readable copies are the same.

I hereby also certify that the enclosed submission includes no new matter.

Applicants believe that no fee is due in connection with the filing of this paper. However, the Commissioner is hereby authorized to charge any fees which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: 7/29/99

By: 
Dianna L. DeVore
Registration No. 42,484

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